

JDW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/748,368  
Applicants : Tyrrell et al.  
Filed : 30 December 2003  
TC/A.U. : 1743  
Examiner : Snay, Jeff  
Confirmation No. : 7784  
Docket No. : 0715.0013C  
Customer No. : 27896  
Title : System for Detecting the Distribution of Fluorophores

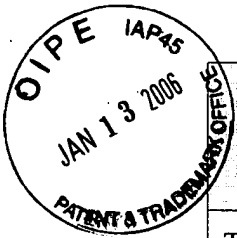
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

### TRANSMITTAL LETTER

Enclosed are the following documents in response to the Notice of Non-Compliant Amendment mailed January 9, 2006 for the above-identified application:

- ☒ Response to Notice of Non-Compliant Amendment (9 pages)
- ☐ Petition for Extension of Time (2 pages)
- ☐ Check No. \_\_\_\_ in the amount of \$\_\_\_\_ for payment
- ☐ Request for Approval of Drawing Changes
- ☐ Information Disclosure Statement
- ☐ Notice of Appeal
- ☐ Associate Power
- ☐ Revocation and New Power
- ☐ Change of Address
- ☐ Return receipt postcard
- ☐ Check No. in the amount of \$for the total fee as calculated below
- ☒ Other: Copy of Notice of Non-Compliant Amendment (37 CFR 1.121)

The fee has been calculated as follows:



	NO. OF CLAIMS	NO. OF CLAIMS PREVIOUSLY PAID	EXTRA CLAIMS	RATE	FEE
Total Claims	31	- 34 =	0	x \$50.00	0
Independent Claims	4	- 4 =	0	x \$200.00	0
If multiple dependent claims are presented, add \$360.00					
Total Amendment Fee					
<input type="checkbox"/> Applicant claims Small Entity Status (subtract 50% of Total Application Fee)					
Other fees: (specify)					
<b>TOTAL FEE DUE</b>					<b>\$0.00</b>

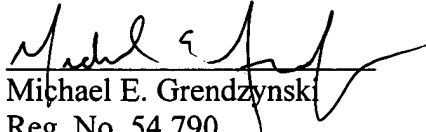
- ☐ A check for the total fee is attached.
- ☐ Please charge \$ to Deposit Account No. 05-0460 for the total fee. This paper is being submitted in duplicate.
- ☒ The Commissioner is hereby authorized to charge any additional appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 05-0460.

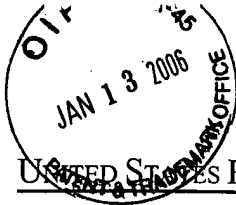
Dated: January 13, 2006

**EDELL, SHAPIRO & FINNAN, LLC**  
**CUSTOMER NO. 27896**  
1901 Research Boulevard, Suite 400  
Rockville, MD 20850  
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Respectfully submitted by  
**EDELL, SHAPIRO & FINNAN, LLC**

By:

  
Michael E. Grendzynski  
Reg. No. 54,790



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,368	12/30/2003	Glenn C. Tyrrell	GJEL:0004/FLE/RAR HMJ0358	7784
27896	7590	01/09/2006	EXAMINER	
EDELL, SHAPIRO & FINNAN, LLC 1901 RESEARCH BOULEVARD SUITE 400 ROCKVILLE, MD 20850			SNAY, JEFFREY R	
			ART UNIT	PAPER NUMBER
			1743	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/1748368

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 12-28-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.  
☐ B. New paragraph(s) should not be underlined.  
☐ C. Other \_\_\_\_\_

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.  
☐ B. Other \_\_\_\_\_

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).  
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.  
☐ C. Other \_\_\_\_\_

☒ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.  
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).  
☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).  
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.  
☒ E. Other: This should read Currently Amended 34 has the wrong status identifier.

☐ 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Michelle Lawrence

Legal Instruments Examiner (LIE)

571272-1025

Telephone No.